



ARKANSAS JUDICIARY

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## Rule 51. Instructions To Jury; Objection.

At the close of the evidence or at such earlier time as the court may reasonably direct, any party may submit requested jury instructions to the court. The court shall inform counsel of its proposed action upon the requested instructions and also inform counsel of all other instructions it proposes to submit to the jury. The court shall instruct the jury prior to the arguments of counsel. No party may assign as error the giving or the failure to give an instruction unless he objects thereto before or at the time the instruction is given, stating distinctly the matter to which he objects and the grounds of his objection, and no party may assign as error the failure to instruct on any issue unless such party has submitted a proposed instruction on that issue. Opportunity shall be given to make objections to instructions out of the hearing of the jury.

A mere general objection shall not be sufficient to obtain appellate review of the court's action relating to instructions to the jury except as to an instruction directing a verdict or the court's action in declining to do so.

Reporter's Notes to Rule 51: - 1. Rule 51 varies materially from FRCP 51 and instead tracks prior Arkansas law. Article 7, Section 23 of the Arkansas Constitution requires trial judges to declare the law and reduce the charge to writing at the request of either party. There was no specific statutory provision under prior Arkansas law which required that a party's requested jury instructions had to be submitted to the court by a certain time. Many courts adopted local rules specifying such time and this rule will have no effect on such local rules, provided, of course, that the time limit specified therein is reasonable.

2. This rule requires the trial court to inform counsel of the action taken on requested jury instructions and also inform counsel of the instructions which the court intends to submit to the jury. This is to enable counsel to review the instructions to be given and frame such objections thereto as may be desired. Also, this rule continues the prior Arkansas procedure of having jury instructions given prior to the arguments of counsel as provided in superseded Ark. Stat. Ann. 27-1727 (Repl. 1962).

3. The provisions of this rule concerning objections to instructions are lifted from Rule 13 of the Uniform Rules for Circuit and Chancery Judges [abolished]. Under the Federal Rule, objections may be made at any time prior to the retirement of the jury for deliberations. Under this rule, objections must be made before or at the time the instructions are given.

Addition to Reporter's Notes, 2001 Amendment: - The word "trial," which modified "court's" the second paragraph, has been deleted in light of Constitutional Amendment 80, which established the circuit courts as the "trial courts of original jurisdiction" in the state and abolished the separate chancery and probate courts.

**History Text:**

History. Amended May 24, 2001, effective July 1, 2001

**Associated Court Rules:**

Rules of Civil Procedure

**Group Title:**

VI. Trials

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